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09/988,875	11/21/2001	Hideki Ina	862.C2443	9199

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EXAMINER

HOLMES, MICHAEL B

ART UNIT PAPER NUMBER

2121

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/988,875

**Applicant(s)**

INA ET AL.

**Examiner**

Michael B. Holmes

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on November 21, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-16 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 17-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☒ Certified copies of the priority documents have been received in Application No. 09/988,875.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02202002</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Office Action</u> .           |



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**Examiner's Detailed Office Action**

1. This Office Action is responsive to application 09/988,875, filed November 21, 2001.
2. Claims 1-24 have been examined.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 10-16, 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by *Ogushi et al.* (EP 0 822 473 A2).

Regarding claim 1. *Ogushi et al.* describes a management system for managing an industrial machine using a data communication network [see FIG. 1, C 2, L 37-39] comprising:  
a management apparatus for selectively giving an operation right of the industrial machine to one of a first operation apparatus arranged in a factory where the industrial machine is installed installed [see FIG. 2, item 102, 107, 106, *Examiner interprets host computer host computer 107*

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*which identifies and manages the operational states of their respective industrial equipment machines 106, resident in their respective production factories 102, 104 or 103] and a second operation apparatus arranged at a remote site from the factory where the industrial machine is installed [see FIG. 1, item 101, 110 Examiner interprets the second operation apparatus as computer 110 in the manufacturing development department of the vendor]; and a control apparatus for operating the industrial machine in accordance with an instruction from the operation apparatus to which the operation right has been given by said management apparatus and providing information representing an operation condition of the industrial machine to the operation apparatus [see FIG. 1, items 107, 101 & 108, Examiner interprets the host computer 107 as the controlling apparatus of the industrial machines 106, which in turn receives and sends information to management host computer 108, located in the office of a vendor 101].*

Regarding claim 2. *Ogushi et al.* describes the system according to claim 1, wherein the second operation apparatus and said control apparatus are connected through the data communication network [see FIG. 1, item 105].

Regarding claim 3. *Ogushi et al.* describes the system according to claim 1, wherein said management apparatus selectively gives the operation right of the industrial machine to one of the first and second operation apparatuses in accordance with an instruction from a manager of the industrial machine [see FIG. 3, C 4, L 53 to C 5, L 54, Examiner interprets this as item 101 & 108 management apparatus sending maintenance information host computer 107 & industrial equipment 106].

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Regarding claim 4. *Ogushi et al.* describes the system according to claim 3, wherein the system further comprises a manager setting section for setting the manager of the industrial machine and said management apparatus selectively gives the operation right of the industrial machine to one of the first and second operation apparatuses in accordance with an instruction from the manager set by said manager setting section [*see* FIG. 1, item 101, C 3, L 4-16 & L 49-57. *Examiner interprets the text capable of carrying out this function because the manager can be set by the vendor by the manufacturing & development department by way of the host computer 108*].

Regarding claim 10. *Ogushi et al.* describes the system according to claim 1, wherein the second operation apparatus is arranged in a business office of a person in charge of manufacturing, sales, or maintenance of the industrial machine or a person in charge of services about the industrial machine [*see* FIG 1, item 101, C 3, L 4-16 & C 3, L 49 to C 4, L 2].

Regarding claim 11. *Ogushi et al.* describes the system according to claim 1, wherein the industrial machine comprises a semiconductor manufacturing apparatus [*see* FIG 1, item 101, C 3, L 4-16].

Regarding claim 12. *Ogushi et al.* describes the system according to claim 11, wherein said semiconductor manufacturing apparatus comprises any one of an exposure apparatus, CVD apparatus, etching apparatus, CMP apparatus, resist coating apparatus, development apparatus, ashing apparatus, and inspection apparatus. [*see* FIG 1, item 101, C 3, L 4-16].

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Regarding claim 13. *Ogushi et al.* describes a management method of managing an industrial machine using a data communication network [see FIG. 1, C 2, L 37-39], comprising: the management step (*Examiner interprets step as an action or proceeding*) of selectively giving an operation right of the industrial machine to one of a first operation apparatus arranged in a factory where the industrial machine is installed [see FIG. 2, item 102, 107, 106, *Examiner interprets the step as the host computer host computer 107 which identifies and manages the operational states of their respective industrial equipment machines 106, resident in their respective production factories 102, 104 or 103*]; and a second operation apparatus arranged at a remote site from the factory where the industrial machine is installed [see FIG. 1, item 101, 110 *Examiner interprets the second operation apparatus as computer 110 in the manufacturing development department of the vendor*]; and the control step of sending an instruction from the operation apparatus to which the operation right has been given in the management step to a control apparatus of the industrial machine to cause the control apparatus to control the industrial machine and sending information representing an operation condition of the industrial machine from the control apparatus to the operation apparatus [see FIG. 1, items 107, 101 & 108, *Examiner interprets the step as the host computer 107 as the controlling apparatus of the industrial machines 106, which in turn receives and sends information to management host computer 108, located in the office of a vendor 101*].

Regarding claim 14. *Ogushi et al.* describes the method according to claim 13, wherein the second operation apparatus and control apparatus are connected through the data communication network [see FIG 1, item 105].

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Regarding claim 15. *Ogushi et al.* describes the method according to claim 13, wherein in the management step, the operation right of the industrial machine is selectively given to one of the first and second operation apparatuses in accordance with an instruction from a manager of the industrial machine [see FIG. 3, C 4, L 53 to C 5, L 54, *Examiner interprets this as item 101 & 108 management apparatus sending maintenance information host computer 107 & industrial equipment 106*].

Regarding claim 16. *Ogushi et al.* describes the method according to claim 15, wherein the method further comprises the setting step of setting the manager of the industrial machine, and in the management step, the operation right of the industrial machine is selectively given to one of the first and second operation apparatuses in accordance with an instruction from the manager set in the setting step [see FIG. 1, item 101, C 3, L 4-16 & L 49-57 *Examiner interprets the text capable of carrying out this function because the manager can be set by the vendor by the manufacturing & development department by way of the host computer 108*].

Regarding claim 22. *Ogushi et al.* describes the method according to claim 13, wherein the second operation apparatus is arranged in a business office of a person in charge of manufacturing, sales, or maintenance of the industrial machine or a person in charge of services about the industrial machine [see FIG 1, item 101, C 3, L 4-16 & C 3, L 49 to C 4, L 2].

Regarding claim 23. *Ogushi et al.* describes the method according to claim 13, wherein the industrial machine comprises a semiconductor manufacturing apparatus [see FIG 1, item 101, C 3, L 4-16].

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Regarding claim 24. *Ogushi et al.* describes the method according to claim 23, wherein the semiconductor manufacturing apparatus comprises any one of an exposure apparatus, CVD apparatus, etching apparatus, CMP apparatus, resist coating apparatus, development apparatus, ashing apparatus, and inspection apparatus [*see* FIG 1, item 101, C 3, L 4-16].

### Claim Objection(s)

5. Claims 5-9 & 17-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Correspondence Information

6. Any inquires concerning this communication or earlier communications from the examiner should be directed to Michael B. Holmes, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile transmission (571) 273-3686 or email [Michael.holmesb@uspto.gov](mailto:Michael.holmesb@uspto.gov).

If you need to send an Official facsimile transmission, please send it to (703) 746-7239.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.



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A handwritten signature in black ink, appearing to read "Michael B. Holmes". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Holmes".

***Michael B. Holmes***

Patent Examiner

Artificial Intelligence

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United States Department of Commerce

Patent & Trademark Office

*Tuesday, February 15, 2005*

***MBH***